

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

EDDIE BUCKLEY, JR.,

Plaintiff,

v.

JEREMIAH NIXON, et al.,

Defendants,

No. 4:16-CV-1687 JAR

MEMORANDUM AND ORDER

Plaintiff seeks leave to proceed in forma pauperis in this civil action under 42 U.S.C. § 1983. The motion is granted. Additionally, this action is dismissed for lack of jurisdiction.

The Complaint

The Missouri Department of Social Services filed a lien on plaintiff's bank account to collect child support. Plaintiff says the family court order requiring child support is no longer enforceable. He also says that the State has put a lien on his taxes. He seeks to have the liens removed, and he wants the Missouri statute governing administrative hearings on family law matters repealed.

Discussion

Under Rule 12(h)(3) of the Federal Rules of Civil Procedure, the Court is required to dismiss any case for which it lacks subject matter jurisdiction.

"Federal courts are courts of limited jurisdiction. The requirement that jurisdiction be established as a threshold matter springs from the nature and limits of the judicial power of the United States and is inflexible and without exception." *Kessler v. Nat'l Enterprises, Inc.*, 347 F.3d 1076, 1081 (8th Cir. 2003) (quotation marks omitted); see *Kuhl v. Hampton*, 451 F.2d 340,

342 (8th Cir. 1971) (federal courts “were not established to mediate any and all types of complaints and alleged wrongs.”).

The Court lacks jurisdiction over the subject matter of this case, i.e., child support. *Kahn v. Kahn*, 21 F.3d 859, 861 (8th Cir. 1994) (“The domestic relations exception . . . divests the federal courts of jurisdiction over any action for which the subject is a divorce, allowance of alimony, or child custody.”); *Lannan v. Maul*, 979 F.2d 627, 631 (8th Cir. 1992) (“child support obligations [are] within the domestic relations exception domain”). As a result, this action must be dismissed pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure.

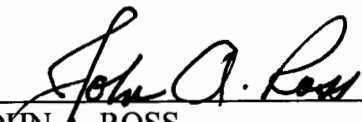
Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice.

An Order of Dismissal will be filed forthwith.

Dated this 13th day of December, 2016.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE